

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID LEMMON, <i>et al.</i> , for themselves	:	
and others similarly situated,	:	
	:	Civil Action No. 2:15-cv-779
Plaintiffs,	:	
	:	JUDGE SMITH
vs.	:	
	:	MAGISTRATE JUDGE KEMP
HARRY & DAVID OPERATIONS, INC.,	:	
<i>et al.</i> ,	:	
	:	
Defendants.	:	

JOINT NOTICE OF TENTATIVE SETTLEMENT OF ACTION

Named Plaintiffs David Lemmon, Thaddeus Kilgore, Jr., William Landis, III, Gregory Taylor Gross, Richard Owens, Jeffrey Rath, Kyle DeBrosse, Walter Grubb, Brian Dupler, Kristi Carson, Richard Kyle Studer, and Roderick Summey (“Named Plaintiffs”), on behalf of themselves and the Opt-In Plaintiffs (collectively, “Plaintiffs”) and Defendants Harry & David Operations, Inc. and Harry and David, LLC (“Harry & David” or “Defendants”), jointly notify the Court of the tentative settlement of this action.

Pursuant to the Mediator’s Notice filed with the Court on July 5, 2016, together with the requirements of the Fair Labor Standards Act that settlements of claims brought under such law must be approved by the Court, *see, e.g., Brooklyn Sav. Bank v. O’Neil*, 324 U.S. 697, 706 (1945), the parties state that they will file a formal Stipulation of Dismissal within 14 days after the Court issues an Order granting the parties’ forthcoming Joint Motion for Approval of Collective Action Settlement, which the parties will file with the Court by July 29, 2016.

Respectfully submitted,

/s/Gregory Mansell

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